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two,—probation, and the adjudication of disputed cases. Probation is a matter of administration and loses in efficiency when yoked to the judicial function. It properly belongs to the educational system in which it should form one link in a chain of many institutions calculated to care for all manner of children from prodigies to idiots. The judicial function is also misplaced in the Juvenile Court. It is bad in theory because the court is in reality adjudicating the rights of the parents to the child, not the rights of the child itself; it is bad in practice because the court is hampered by lack of jurisdiction over all the domestic relations. The judicial function should be given to a Domestic Relations Court of wide powers.

Thus is the Juvenile Court weighed and found superfluous, and its powers divided between the educational system and a greater court. The division would bring about a harmonious adjustment. The educational system would have complete control of every child, and only disputed cases would be brought into court. The judge would have full powers to make a satisfactory disposition of the case. To this analysis and its deductions it would be difficult to urge any substantial objection. Indeed, the only source of wonderment is that it has not been advanced, as an entire program, many years ago. Probably the only explanation is historical. When the idea that we were mis-handling our juvenile delinquents first transcended the minds of sociologists and found lodgment in the minds of laymen and humanitarian lawyers, the latter, in the characteristic American way of attacking cases and not problems, looked about for something concrete. The criminal court, because of its dramatic position, its brutality, its stigma, and the odor of common-law crimes clinging to it, proved to be the first guilty victim. There was no other court to take its place in the handling of juvenile delinquency. This led to the establishment of a separate juvenile court, and its judge was appointed custodian of the sacred milk of human kindness. This new function required the aid of deputies to see that it was wisely and properly dispensed, and so arose the system of official probationers. It is difficult to show cause why this purely historical union of judge and probationer should not be dissolved.

Professor Roscoe Pound has called this age a period of unification of the social sciences. In advocating the articulation of the educational agencies and the concentration in one court of all matters pertaining to the family, Mr. Eliot has read aright the spirit of the times. And inasmuch as the subject dealt with is one that vitally affects the future citizenship,—for even the most cynical Italian criminologists agree that the juvenile can, in part, be molded anew,—his book adds importance to wisdom. It is a valuable contribution.

H. B. E.

YEAR BOOKS OF EDWARD II; Vol. VI, 4 Edward II, A.D. 1310-1311. Edited for the Selden Society by G. J. Turner. London: Bernard Quaritch. 1914. pp. cii, 228.

After an interval the Selden Society returns to the Years of Edward II. This volume (being three years delayed in publication, for it is the volume for 1911) carries us a half-year farther on the slow journey through the reign. The text of the Selden Society's publications has long since come to seem less important than the introductions. So long as the introduction was Maitland's this was natural; and since his death the tradition continues in existence.

Mr. Turner, who carried the last volume of Maitland's work through the press, here undertakes the entire labor of editing. The text appears to be carefully formed by a collation of the manuscripts, the *apparatus* is ample, and the

translation accurate and readable. These good qualities we have been accustomed to find in "Maitland's Year Books."

In this volume, Mr. Turner, as we might have expected, makes an especially careful study of the various extant manuscripts. In particular, he compares the manuscripts of the first few years of the reign for the purpose of discovering their mutual relations and the identity or otherwise of their originals. This comparison is carried out in the minutest detail, with patience and authority; and doubtless Mr. Turner's conclusions are well warranted. Future commentators on the early Year Books will not need again to repeat his laborious work.

The principal part of Mr. Turner's introduction is an attempt to establish what he calls the "pamphlet theory" of the origin of the Year Books. He takes up, first, the old question, whether there were, as Plowden and Bacon and Coke say, official reporters who reported the cases now in the Year Books. His chief argument in favor of the old story is that "we can scarcely reject it as worthless" when we find it "accepted by Coke as well as by Bacon," though, as he admits, Coke and Bacon accepted it, a generation later, on Plowden's assertion,—an argument which will not approve itself to most lawyers to-day.

As to the "pamphlet theory" itself, Mr. Turner makes out a fairly strong case for his theory that the reports were issued term by term, then gathered together by years, and finally, after the immediate value of the reports as pictures of living law had passed, were collected and copied by reigns by the few persons who as profound students of law cared to know the doctrines of the past. This theory seems compatible with any of the theories as to the origin of the Year Books which have heretofore been suggested.

We thank Mr. Turner for an interesting and valuable addition to the Year Book series.

J. H. B.

SELECT BILLS IN EYRE, A.D. 1292-1333. Edited for the Selden Society by William Craddock Bolland. London: Bernard Quaritch. 1914. pp. lxiii, 174.

In the second volume of his Eyre of Kent, 6 & 7 Edward II, Mr. Bolland discussed the nature of Bills in Eyre. The subject is one not merely of historic interest, but of present value as shedding light upon the problem of simplicity and informality in pleading. In this new volume Mr. Bolland returns to the subject, and prints a most excellent collection of bills, accompanied by the extract from the Eyre roll, and followed by a valuable glossary.

The bills were concerned with abuses of all sorts: non-payment of debts, breaches of contract, trespass, imprisonments, abductions, conspiracies, and miscellaneous wrongs. Pecuniary damages are sought, but injunctions also are requested. In fact, the Eyre seems to have constituted an embryonic court of equity. "The Justices in Eyre were more amply clothed with the King's *persona* than ever was a Chief Justice sitting in King's Bench. All that the King could do to right wrong his Justices in Eyre could do" (p. xvi.) The editor concludes, therefore, that the Bills in Eyre were prayers addressed to the extra-legal discretion of the Justices, who could thus remedy abuses that could not be reached by the common law. The introduction contains an interesting summary of the proceedings. For students of the social and economic history of the times, these bills are valuable authority.

In his introduction Mr. Bolland also considers the derivation of the word "bill," which he believes to be a shortened form of *libellus*, a document; and discourses briefly on the delivery of Bills in Eyre, of failure to prosecute, of the indorsement on the bills, and of the French of the bills.

The volume confirms the opinion that Mr. Bolland is a worthy successor of Maitland in the study of medieval legal documents.

J. H. B.